Detention for Life—On Undisclosed Charges, See Page 4

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An Evil Wind of their Own Sowing

Geography imposes a basic continuity on any country's foreign policy. An island kingdom like the British lives under urgent necessities which determine policy whether Tory or Laborite is in power. Russia is impelled to seek the open sea whether ruled by Czars or Commissars. This continuity frustrates idealists and politicians alike. It is frustration of this kind which plays a part in the Republican and rightist revolt against the nomination of Charles E. Bohlen to be Ambassador to Moscow.

Combined with it is the related frustration which springs from the need for a permanent bureaucracy to carry on any skilled function like foreign policy. Republican suspicion of the State Department and the Foreign Service is in this respect much like that which the New Dealers felt 20 years ago when they came to power. FDR himself never outgrew that distrust, and in many crucial instances bypassed normal channels to keep the reins of foreign policy in his own hands. Much the same group of officials then regarded as reactionary are now suspected of being "communistic." Bohlen is one of them.

To read the testimony given by Bohlen before two executive sessions of the Senate Foreign Relations Committee is to see that he aggravated this sense of frustration. A disdain for the extraordinary ignorance shown by some members of the committee is visible between the lines of the printed record as now released. A creditable unwillingness to barter self-respect for approval is evident. He offended such Senators as Ferguson, Hickenlooper, Knowland and the incredible Wiley by declining to acquiesce in the mythology of the victorious Republicans. He defended Roosevelt. He failed to say the right things when Hiss and Lattimore were mentioned. He had the temerity to say of the Yalta conference, "I found nothing in my experience there or my association with the men responsible for it, to indicate that there were any discreditable motivations of any kind."

Bohlen failed even to give satisfaction on the question of "containment" vs. "liberation." Senator Ferguson asked him almost desperately, "You don't dispute the Eisenhower-Dulles idea?" The answer was "No, sir, certainly not." Then Ferguson asked, "There is no change from what had been the situation under Acheson to what it now is under Dulles?" The reply must have been almost maddening, "That is not for me to say, Senator." Mr. Bohlen went on to suggest that he thought much of the debate "semantic," since "liberation" does not mean as in World War II "foreign armies coming in to liberate you. . . . I don't understand from Mr. Dulles and the President's own statement that we are contemplating a war of liberation." In alarm, almost as if referring to a bible, Ferguson asked, "Then you don't agree with Burnham?" Mr. Bohlen replied, "I haven't read his book."

There is a coalition of the simple-minded and the sinister in the fight on the Bohlen appointment. "There are a lot of people in this country," Chairman Wiley said at the start of the hearings, "who feel it is a mistake to have any Ambassador to Russia." Senators like McCarran, McCarthy and Bridges speak for those forces which not only believe war inevitable but want to be sure and make it so. They regard it as hazardous to have an Ambassador in Moscow while the new Malenkov regime is putting out feelers for a peace settlement. McCarran, McCarthy and Bridges are prepared to do business with any pumpkin for ammunition against Bohlen.

The Administration invited trouble when it appointed Bridges' assistant McLeod to be security officer of the State Department. McLeod spent most of his seven years as an FBI agent in Concord, New Hampshire, hardly the best post in which to train for surveillance of the Foreign Service. The Secretary of State at press conference admitted he had not asked McLeod whether in the Bohlen affair he had communicated over his head with Bridges, McCarthy or McCarran. Dulles when asked whether he would question McLeod said he didn't go on the basis that he had to be a security officer to run the security office. It sounded as if Dulles were too unsure of his subordinate's loyalty to inquire.

The Secretary of State may not be quoted directly, but here in indirect discourse are the words he used to defend Bohlen. Dulles said it was the business of the FBI to try to locate any possible gossip or suspicion which should alert one to danger. They go about, they talk to dismissed servants, to business competitors, they seek the good but they also are particularly anxious to locate any basis of possible suspicion. There is, the Secretary thought, no person of any importance or prominence in the United States who could be covered by a full FBI field check and not have in it some derogatory material. If whenever a person comes up to appointment in high office that stuff should be dragged out on the floor of the Senate, then he thought it would put an end to persons of repute and standing in the community ever accepting an office and going through that ordeal, which would be very damaging to their reputations.

But it is on the basis of just such a mish-mash of "derogatory" information from FBI files that teachers have been ruined, civil servants discharged, artists blacklisted and foreign-born citizens subjected to deportation and denaturalization. The respectables have for two decades encouraged the calumniators in the fight against social reform. If the hot blast of calumny now singes the new Secretary of State and beats upon the White House door, this is the wind they themselves sowed.

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Behind The Glasser Case

The FBI Sets Out To "Get" Its Man

Washington, D. C.

I put the question to Congressman Velde when the hearing was over. I asked him whether, during the days when he was an FBI agent, he had participated in the investigation of the Abraham Glasser case. Glasser, an associate professor of law at Rutgers, had just finished a day on the stand before the House Un-American Activities Committee over which Velde presides. The chairman hesitated and then said, "I'm afraid it will have to be 'no comment.'" This is why the question was relevant:

A decade ago Glasser was suspended from his job as attorney in the anti-trust division of the Department of Justice. The suspension was ordered as a result of reports from the FBI. But after an extended investigation a special departmental hearing board cleared Glasser. There is reason to believe that the FBI has never forgiven that defeat. Either that or the FBI has been guilty of an extraordinary series of oversights.

The first occurred soon after Glasser had been cleared. The suspension was on June 17, 1941. The decision clearing him was handed down on October 24, 1941. Glasser was allowed to resign without prejudice and transfer to the OPA. Yet a month later, under date of December 31, 1941, J. Edgar Hoover, director of the FBI, wrote to the Office of Emergency Management, which had general supervision of the OPA. Hoover repeated the original charges against Glasser but failed to mention that there had been a departmental hearing and that Glasser had been cleared.

"Thereafter," according to the brief filed with Rutgers on the accused professor's behalf, Glasser was "informed by his superior officers in the OPA that on a number of additional occasions between 1942 and 1944 or 1945 the FBI had repeatedly been sending to OEM or to OPA the same old 1941 Department of Justice charges, and that the FBI in doing this seemingly had failed consistently to state that there had been a hearing and a dismissal of the charges in the Department of Justice." Again, late in 1945, Glasser was told by A. D. Vanech, then assistant to the Attorney General, "that the departmental personnel file in the Professor's case contained no indication whatever that he had had a hearing and had been cleared in 1941!"

That was no routine clearance by obscure officials. The Attorney General named two special assistants and an assistant solicitor general to sift the FBI charge. The three were Charles Fahy, now on the U.S. Circuit Court of Appeals; Ugo Carusi, now Commissioner of Immigration and Naturalization; and Edwin M. Dickinson, Dean of the University of California Law School.

The care they exercised is indicated by two letters written five years later by two of these men when a new investigation was ordered by the Civil Service Commission. Ugo Carusi wrote the Commission that the board had made a "painstaking" study of the charges and added, "I personally do not consider Mr. Glasser unfit for employment by the Federal government." Dean Dickinson wrote Glasser expressing regret over the revival of the old charges. "No case within the purview of my experience," Dickinson said, "was more thoroughly investigated by the FBI. . . . No case was given more attentive and thorough consideration by the departmental hearing board. . . . In the result you were completely exonerated on all charges except the charge of negligent or careless disclosure in personal discussions. . . . There was no evidence that you were a Communist or associated with so-called Communist fronts."

The unauthorized disclosures dealt with Spanish Loyalist matters. Glasser's assignment required him to study the files on the arms embargo during the Spanish Civil War. He had a room-mate who was later killed fighting on the Loyalist side in Spain. Glasser avowed his pro Loyalist sympathies at the departmental hearing and admitted he might have been indiscreet in his discussions outside the Department.

Until Velde became its chairman, these facts had twice come informally before the House Un-American Activities Committee. In August, 1941, Thurman Arnold discussed the matter with Martin Dies, then chairman of the House Committee. Judge Arnold was head of the anti-trust division in which Glasser was employed. Arnold laid the facts before Dies and obtained his approval of Glasser's contemplated transfer to the OPA. In October, 1949, Glasser was subpoenaed by the House Committee but the subpoena was dropped by the Committee after Glasser's counsel had laid before Committee counsel the facts as to the past investigation and adjudication.

This year, with Velde as chairman of the House committee, a renewed attack began. On February 10, Glasser was subpoenaed. Two days later he was again questioned about the old charges by two FBI men. On February 23, agents of the committee visited the Administrative offices of the Rutgers law school, inspected lists of students he had taught, wrote down the names and addresses of seven and subpoenaed at least one. Shortly afterward Glasser was advised that a member of the legal staff of the House committee informed a representative of the University that the Committee had a memorandum from "two Federal judges" which it would put in evidence against the Professor.

The Fifth Amendment says no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." This, the famous "double jeopardy" clause, forbids the government to try a man twice for the same offense. But nominally the House committee is not engaged in a criminal proceeding. Though the effect be to destroy Glasser's reputation and end his career as a teacher, the House committee ostensibly is engaged in a mere legislative inquiry.

The House committee can reopen a case as often as it pleases until the victim is ruined, no matter how many times he has been cleared in judicial or administrative hearings. Charges which do not stand up under judicial or quasi-judicial scrutiny may be good enough for headlines. The chairmanship of the House committee gave the ex-FBI man, Velde, powerful leverage. Three officials linked with the FBI in the old investigation have since been appointed Federal Judges in the District of Columbia. With or without their permission their names might be invoked with enhanced prestige in a new proceeding. Judge Matthew M. McGuire, then an assistant attorney general, was liaison between the legal staff of the Justice Department and the FBI at the time of the Glasser inquiry. Judge Alexander H. Holtzoff was McGuire's aide. Judge Edward Tamm was a high official of the FBI at the time.

The sensation of the Glasser hearing last week was the submission in evidence of a memorandum from Holtzoff to McGuire dated July 23, 1941, which embodied the original charges. It was read into the record and at 11:50 a.m. when the reading was finished Velde called a ten minute recess. The timing and the recess made this a perfect story for the afternoon editions. It was not until after the recess that the Committee put into the record the memorandum dated October 24 of that year in which Carusi, Fahy and Dickinson cleared Glasser of the charges made in the Holtzoff memorandum to McGuire. It was unfair not to release the two documents together. The timing of the recess was a dirty piece of business.

The Holtzoff memorandum did not say that Glasser was a Communist but that there were "at least some Communists" among his friends and acquaintances. More serious was the memo's charge that a Soviet agent "X" confessed in Canada that he had received information, most of it about the Spanish war, from Glasser. The three man hearing board, in passing on these charges, said that Glasser's alleged contacts with this agent, "if they existed," were "not inspired by motives of disloyalty, nor by the desire knowingly to misuse his official position." The charges, if true, were charges for a grand jury. To rehash them after all these years, when they had been thoroughly investigated and discredited within the Department itself, is vindictive. Glasser, manfully standing his ground before the committee, tried to ask Velde whether he had participated in the earlier investigation. In that event, Glasser wished to move that Velde disqualify himself from the proceeding. But Glasser was hammered down by the chairman's gavel when he tried to raise the question. In Velde's opinion it was relevant to ask Glasser, a native of New Brunswick, where his parents were born. But it was not relevant for Glasser to explore the possibility that his name and career were to be destroyed to satisfy an old grudge, and erase an old defeat.

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Dastardly Incident

(From Our Special Correspondent)

Moscow, March 28—A Soviet bomber was shot at by fighter planes of the American imperialist Air Force today off Long Island, though the Soviet plane was more than 25 miles from American territory at the time.

The Soviet Air Force explained that the plane was on a routine weather reconnaisance flight from a Murmask air base, that it was unarmed and that the unprovoked assault upon it showed the necessity for building a 120-group Soviet Air Force as soon as possible to defend the Soviet Union from capitalist aggression.

The incident occurred just when certain members of the Supreme Soviet were discussing the possibility of reducing taxes and military expenditures. These members will now be sent to corrective labor camps.

Portrait in Action Of The Senate Foreign Relations Chairman

From the hearings before the Senate Foreign Relations Committee on the nomination of Charles E. Bohlen to be Ambassador to Moscow:

The CHAIRMAN (Wiley of Wisconsin). What date was the Cairo conference?

Mr. BOHLEN. Cairo was in the fall of 1943, Mr. Chairman.

The CHAIRMAN. Is it not a fact that at Cairo, Roosevelt and Churchill promised Chiang Kai-shek that all of the territories in China would be returned to her, particularly Manchuria, yet 14 months later, they turned around and proceeded to give the Soviet Union, Mongolia and South Sakhalin?

Mr. BOHLEN. Senator, I was not present at the Cairo conference, so I have no first hand knowledge.

Senator MANSFIELD. Mr. Chairman, may I say that Sakhalin was taken from Japan and that so far as Mongolia was concerned, there were agreements going back to the early 1920's by which it had a semi-autonomous nature.

Senator SPARKMAN. I am looking at the Cairo agreement; it does not mention Mongolia. It mentions Manchuria, Formosa and the Pescadores.

The CHAIRMAN. It relates to Port Arthur and two key Manchurian railroads, which opened the door to all Manchuria, plus the Kuriles. But I wanted to get this gentleman's understanding based upon what we understand is about the only knowledge there is—he is about the only one who has any first hand information of what went on. If we have any misinformation, why he ought to be able to correct that.

Given sufficient time, and a geography primer.

Notable Discovery In History

While the Chairman of the Senate Foreign Relations Committee was discovering that the Manchurian railways opened the door to the Kuriles, an equally notable advance in the related field of history was being made last week on the other side of Capitol Hill.

"In 1848, in a Paris attic," Congressman Jackson of California told the House, "two Russian emigres, Karl Marx and Friederich Engels, sat down together to draft a blueprint for world domination. Their blueprint was the Communist Manifesto. . . ."

Old-fashioned readers brought up in the belief that Marx and Engels were Germans and that they wrote the Manifesto in London (neither in an attic—both being too fond of bourgeois comfort) are warned against rushing into correspondence with Congressman Jackson. Communists also hold to the older view.

Whether one believes with Jackson that Marx and Engels were Russians or with the Communists that they were Germans may become a convenient way for the House Committee to determine whether a man advocates overthrow of the government by force and violence. A witness can hardly plead the Fifth amendment when asked whether he thinks the Manifesto was written over vodka in a Parisian attic or over beer in a London drawing room. The only safe course is to assume that Congressman Jackson is America's foremost Marxist scholar.

Shrewd Maneuver To Win Over India

Among other momentous legislation proposed to Congress last week was Senate Joint Resolution No. 58 introduced by Ives of New York. As a public service we here reprint it in full text:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 18th day of August of each year is hereby designated as National Holstein-Friesian Day in commemoration of the anniversary of the first registered Holstein female entered in the first published herd book of this breed in America, and the President of the United States is authorized and requested to issue annually a proclamation inviting the people of the United States to observe such day, in schools and other suitable places, with appropriate ceremonies."

The resolution had us puzzled until we recalled the fierce propaganda battle being waged for the affections of stubbornly neutralist India. India reveres the cow as sacred. Under the guise of a special concern for the Holstein, Ives may be moving to make an American holiday of a National Cow Day. Christians and Moslems may be disarmed by the apparent emphasis on the one special breed of cow, but Hindus will see the strategic significance of his bill as an entering wedge for the cult in America. For the benefit of our Indian readers we add that the Mahatma Ives is senior Swami from New York and may be reached any week-day at his *ashram* in the Senate Office Building, Washington, D. C.

Vital Statistics

The Weekly passed its tenth "birthday" with the last issue and we thought readers might like to know (we were curious ourself) how extensive is its circulation. Our shiny new card catalogue of subscribers turned up the welcome news that we now reach every State of the Union, the territories of Alaska, Hawaii and Puerto Rico and six Provinces of Canada. There are subscribers in Mexico, Panama, Colombia, Brazil and Jamaica; in Norway, Sweden, Belgium, England, France, Austria, the British zone of Berlin, and Israel. There seems to be only one subscriber behind the Iron Curtain, in Poland, but last week a tattered sub came in from Hungary badly mutilated with the money order missing. We have a new subscriber—our first—in Japan. The best State of course is New York. The poorest? We have only one each in Arkansas and Nevada (cherished subscribers both, to whom we send greetings). We are sorry to report that in Canada we have not a single subscriber in Newfoundland or the Yukon. As soon as we can get the dog team hitched, our circulation department mushes northward.

I. F. Stone

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Detention for Life—On Undisclosed Charges

The anonymous informant has become an American institution. He figures in all kinds of loyalty and security procedures. Last week the U. S. Supreme Court widened the orbit of his power. It ruled 5-4 that a man might be imprisoned for the rest of his life on the basis of undisclosed accusations from undisclosed sources.

Nominally the case of Shaughnessy v. Mazei concerned an alien denied admission, and interned two years on Ellis Island. Actually Ignatz Mazei was a legal resident of Buffalo, N. Y., and had been in this country 25 years. "If the procedures used to judge this alien are fair and just," Mr. Justice Jackson protested in a dissent joined by Mr. Justice Frankfurter, "no good reason can be given why they should not be extended to simplify the condemnation of citizens."

Mazei, a British subject, came to this country in 1923, married an American citizen, raised a family of four children on his earnings as a carpenter. He was past 50 when his troubles began. In 1948 he went abroad to visit his dying mother in Rumania, but ran into difficulties. He got as far as Hungary, was denied entrance to Rumania, waited months for an exit permit to leave Hungary. When he returned home on a regular visa, the Attorney General ordered him excluded without a hearing on the basis of "information of a confidential nature, the disclosure of which would be prejudicial to the public interest."

Mazei was twice shipped abroad, but came back each time when no other country would accept him. After two years on Ellis Island and four unsuccessful efforts to win freedom on habeas corpus, Mazei applied again, this time to Federal Judge Irving Kaufman. The Judge asked the government at least to divulge the evidence against Mazei *in camera*. When the government refused, Judge Kaufman set Mazei free. The U. S. Circuit Court of Appeals upheld him 2-1. The lone dissenter, Learned Hand, was more acid than the majority in his comment. "Think what we may," he said, "of a statute based upon such fears, when passed by a society which professes to put its faith in the free interchange of ideas, a court has no warrant for refusing to enforce it. If that society chooses to flinch when its principles are put to the test, courts are not set up to give it derring do."

When the government appealed to the Supreme Court, Mazei's counsel asserted that the only reason for "flinching" in the case of this obscure carpenter is that he once joined the International Workers Order, a fraternal organization, for its insurance privileges. The government in its response did not deny that. On the Supreme Court it encountered congenial theories of jurisprudence. The majority decision upholding Mazei's indefinite detention without hearing or disclosure of charges was written by Mr. Justice Tom Clark. It was Clark who as Attorney General put the International Workers Order on the subversive list the same way without notice, hearing or charges. It was also he who as Attorney General handed down the ruling in the famous Ellen Knauff case excluding that German bride of an American official from the country as a security risk while declining to reveal the source and content of the accusations against her.

When public interest forced Clark's successor, McGrath, to allow a hearing in the Knauff case, the evidence against her was found to be spurious—"hearsay on hearsay." The plea of information too confidential to be disclosed proved merely to be a cover for information too flimsy to survive a real hearing. In the Mazei case, Mr. Justice Jackson harked back to his experiences as prosecutor at Nuremberg, quoted Goering's explanation for the use of concentration camps and commented, "Quite unconsciously, I am sure, the Government's theory of custody for 'safekeeping' without disclosure to the victim of charges, evidence, informers or reasons . . . has unmistakable overtones of the 'protective custody' of the Nazis."

"Individual liberty," said Mr. Justice Black in a separate dissent for himself and Mr. Justice Douglas, "is too highly prized in this country to allow executive officials to imprison and hold people on the basis of information kept secret from the courts." This is an expression of hope, not a statement of fact. It remains to be seen whether individual liberty is that highly prized in the cowed and confused U.S.A. of 1953. In the Knauff case, public opinion compelled the Department of Justice to hold a hearing, to make its evidence public and to revoke the exclusion order. Will the people of Buffalo and of New York State generally show a similar spirit in the Mazei case? Justice Tom Clark's ruling, if allowed to become precedent, will cast a long and sinister shadow.

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